

**CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING**

**WESTMINSTER, CALIFORNIA
June 25, 2008**

The City Council/Agency Board of the City of Westminster, California convened on June 25, 2008 at 7:05 p.m. in a Regular Meeting in the Council Chambers, 8200 Westminster Boulevard, Westminster, California.

7:00 P.M.

CONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL

PRESENT: RICE, QUACH, FRY, MARSH, TA
ABSENT: NONE

SALUTE TO FLAG: City Attorney

INVOCATION: Council Member Marsh

SPECIAL PRESENTATIONS:

- A. Police Chief Andy Hall presented Merits Awards for 2007 to Sergeant Mark Nye, Officer Cameron Knauerhaze and Dispatcher Stephanie Subia.
- B. Crystal Wadsworth, Sandy McClure and Frances Nguyen from the Westminster Chamber of Commerce gave a brief report on previous and upcoming events within the City.
- C. The Mayor and City Council presented the American Planning Association Education Award to Don Anderson, Community Development Director, Art Bashmakian, Planning Manager, Kelvin Parker, Senior Planner and Wendy Grant, Consultant from the Planning Center.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

The City Clerk announced Late Communications regarding agenda items that had been received in the City Clerk's office following the distribution of the agenda packet.

Matters from City Manager

- 6.1 Status of the Moran and Weststate Streets Business Area Land Use Study and a Request to Appropriate Funds for Planning Consulting Services to initiate the Development of a Comprehensive Plan and associated Environmental Analysis.**

Copy of the PowerPoint presentation.

1. CONSENT CALENDAR**ROUTINE MATTERS****1.1 (Agency) Agreement with the Westminster Chamber of Commerce (502-03)**

ACTION: The Chair and Agency Board approved the agreement with the Westminster Chamber of Commerce in the amount of \$36,374 for publicity and advertising purposes for the Fiscal Year 2008-09 and authorized the Executive Director to execute the agreement on behalf of the Agency.

1.2 Amendment No. 2 to New Water Meter Installation and Meter Exchange Program City-Wide for FY 2008-09 (502-01)

ACTION: The Mayor and City Council approved Amendment No. 2 to the Contract with Atlas Allied in the amount of \$200,000.00 and authorized the City Manager to execute the amendment on behalf of the City.

1.3 Notice of Completion for work performed by A.J. Fistes Corporation for Painting of Selected Areas at the Corporation Yard and City Buildings (502-01)

ACTION: The Mayor and City Council accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

(ITEM WAS REMOVED AND HEARD SEPARATELY)**1.4 Update on Go Local (Step 1) Transit Needs Assessment Study and Go Local (Step 2) Participation (613-12) (502-20)**

Darrell Nolta, Westminster resident informed the Council that he is in favor of the Go Local program. He expressed his concerns of the upcoming impact of the price of gasoline and fuel for transportation needs. He agrees that the City needs to develop a form of transit. Mr. Nolta also shared his concern of how the City will satisfy all the needs of the community. He stated that each plan outlined in the staff report does not satisfy each component of the City. Mr. Nolta inquired how much this project will cost.

Marwan Youssef, Public Works Director/City Engineer explained the routes, one route that would include attractions such as Westminster Mall, Little Saigon, Goldenwest College and Boeing. The route is traveling outside the City limits because they have joined with the Cities of Huntington Beach, Fountain Valley and Stanton. He informed Council that Step 2 will cost approximately \$450,000, but the cities will be responsible for 10% of that amount. The next step will be to decide on how many stops, the number of stops, what kind of buses to use, etc.

The overall cost has yet to be determined. He informed Council that there will be grant money available through Orange County Transportation Authority. The City will only pay for the alternative transportation that serves within City limits.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Quach to approve the Go Local (Step 1) study concepts and Go Local (Step 2) participation.

Council Member Marsh spoke in regards to Project Concept 1 and expressed his concerns that the City of Huntington Beach may be attempting to include a proposed Hoover Street and Gothard Avenue extension as an option. He stated that if the City Council is going to approve this, he would like the following language to be added:

"It's our understanding that under no circumstances will this pass along the Hoover Street and Gothard Avenue Corridor nor under any circumstances will the City of Westminster support such an activity."

Council Member Ta feels that this project will benefit Little Saigon.

The maker and second to the motion agreed to the language proposed by Council Member Marsh.

The motion carried by a 5-0 vote.

1.5 Award of Option Year Renewable Contract for the Purchase of Resilient Wedge Valves and Grip Rings for FY 2008-09. (502-03)

ACTION: The Mayor and City Council authorized a purchase order to C. Wells Pipeline Materials in the amount of \$15,000 for a one year contract, with four (4) option year renewals, to purchase resilient wedge valves and romac grip ring pipe restrainers for FY 2008-09.

1.6 Award of Option Year Renewable Contract for the Purchase of Brass Pipeline Materials for FY 2008-09. (502-25)

ACTION: The Mayor and City Council authorized a purchase order to Yo Fire Supply in the amount of \$25,000 for a one year contract, with four (4) option year renewals, to purchase brass pipeline materials for FY 2008-09.

1.7 Award of Option Year Renewable Contract for Purchase of Miscellaneous Pipeline Materials for FY 2008/09. (502-25)

ACTION: The Mayor and City Council authorized a purchase order to Yo Fire Supply in the amount of \$25,000 for a one year contract, with four (4) option year renewals, to purchase miscellaneous pipeline materials for FY 2008-09.

1.8 (City/Agency) 2008 Statement of Investment Policy (105-01)

ACTION: The Mayor/Chair and City Council/Agency Board approved the 2008 City of Westminster/Westminster Redevelopment Agency Statement of Investment Policy.

ORDINANCES (SECOND READING)/RESOLUTIONS**1.9 Ordinance No. 2430 – An Ordinance of the Mayor and City Council of the City of Westminster Amending Sections 9.38.010 through 9.38.070 and Section 9.38.090 of Title 9 (Public Peace, Morals, and Welfare) of the Westminster Municipal Code, Relating to Graffiti. (615-01)**

ACTION: The Mayor and City Council adopted Ordinance No. 2430 and waived further reading.

1.10 Ordinance No. 2431 - An Ordinance of the Mayor and City Council of the City of Westminster Amending Chapter 2.68 (Personnel System) of the Westminster Municipal Code Excepting the Community Development Director from the Classified Service. (110-04)

ACTION: The Mayor and City Council adopted Ordinance No. 2431 and waived further reading.

(ITEM WAS REMOVED AND HEARD SEPARATELY)**1.11 Ordinance No. 2432 - An Ordinance of the Mayor and City Council of the City of Westminster amending Title 17 (Land Use) of the Westminster Municipal Code to establish Section 17.48.020 Accessory Uses to establish development standards and procedures for large family day care (7 - 14 children) facilities in the single family residential district. (Case No. 2008-01) (202-01) & (201-00 CN 2008-01)**

The City Attorney requested that this item be pulled and continued for two weeks.

(ITEM WAS REMOVED AND HEARD SEPARATELY)**1.12 Resolution No. 4160 – A Resolution of the Mayor and City Council of the City of Westminster Establishing the Limits of the Underground Utility District No. 6 Within the Bolsa Corridor, and Rescinding Resolution No. 3818. (611-01)**

Marwan Youssef, Director of Public Works/City Engineer informed the Council that this item will be brought back as a Public Hearing.

Motion was made by Council Member Marsh, seconded by Council Member Ta to continue Item No. 1.11 for two weeks and Item No. 1.12 be pulled and return as a Noticed Public Hearing. The motion carried by a 5-0 vote.

1.13 Resolutions Providing for Certain Terms and Conditions of Employment.

- 1) Resolution No. 4161 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Providing for a Compensation Plan for the Management/Administrative/Confidential Employees of the City of Westminster". (110-02)**

ACTION: The Mayor and City Council adopted Resolution No. 4161.

- 2) Resolution No. 4162 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Adopting a Template for an Employment Agreement for At-Will Employees of the City of Westminster". (110-09)**

ACTION: The Mayor and City Council adopted Resolution No. 4162.

WARRANT REGISTER

- 1.14 (City Council/Redevelopment Agency) Warrant Register dated June 4 through 17, 2008. (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.15 Treasurer's Report – April 2008 (105-08) (08)**

ACTION: Received and filed.

- 1.16 Minutes of the Cultural Arts Commission meeting held on April 3, 2008. (104-06)**

ACTION: Received and filed.

- 1.17 Minutes of the Planning Commission meeting held on May 7, 2008. (104-11)**

ACTION: Received and filed.

- 1.18 Community Development Monthly Activity Report – May 2008. (216-01)(08)**

ACTION: Received and filed.

- 1.19 Minutes of the Youth Committee meeting held on March 12, 2008. (104-17)**

ACTION: Received and filed.

1.20 Minutes of the Commission on Aging meeting held on January 14, 2008. (104-03)

ACTION: Received and filed.

1.21 Minutes of the Traffic Commission meeting held on April 29, 2008. (104-12)

ACTION: Received and filed.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to approve the Consent Calendar with the exception of Item No.'s 1.4, 1.11 and 1.12 which were removed for separate consideration. The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Diana Carey, Westminster resident spoke in regards to the 405 Freeway expansion and "Alternative Four". She expressed her concerns that Caltrans is trying to alter or set aside Alternative Four to look at a different configuration of the freeway.

Council Member Marsh informed Ms. Carey that the he and the Mayor will be meeting with Caltrans and Orange County Transportation Authority in regards to this matter. Council Member Marsh stated that he is not able to give any information on that at this time.

Darrell Nolta, Westminster resident spoke in regards to the conservation of gasoline and stated his opposition to the newly appointed Orange County Sheriff, Sandra Hutchens.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**3.1 The actions of the Planning Commission meeting held on June 18, 2008.**

The Community Development Director reviewed the actions of the Planning Commission meeting of June 18, 2008.

- 1) Case No. 2008-39 Site Plan and Design Review. Proposed redevelopment of existing Heritage Park located at the northwest corner of Hazard Avenue and Beach Boulevard with a new single story 4,885 square-foot public building. The new building will house the Westminster Chamber of Commerce and will also provide a joint use community meeting room for the City of Westminster. 14471 Beach Boulevard.

- 2) Case No. 2007-85 Zone Text Amendment. City initiated code amendment to establish development standards which will regulate the use and placement of canopies and tarps, as well as, limit the amount of paving within the front and side yard setbacks on residential properties. Citywide.
- 3) Case No. 2005-58 Substantial Conformance Review. Planning Commission review of architectural design changes of a two-unit condominium development to determine if changes are in substantial conformance with the previously approved design. 14072 Goldenwest Street.
- 4) Proposed Capital Improvement Projects for Fiscal Year 2008/2009. Planning Commission review of proposed projects to determine if the proposed projects are consistent with the City's General Plan.
- 5) Case No. 2006-82 Conditional Use Permit Review. Six month review of the operations of a computer gaming arcade (Howies Game Shack) with live disc jockey. 1025 Westminster Mall.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta, to receive and file Item No.'s 1, 2, 3, 4 and 5 of the oral report of the Planning Commission meeting of June 18, 2008. The motion carried by a 5-0 vote.

4 PUBLIC HEARINGS

4.1 ADOPTION OF THE BUDGET FOR THE 2008-10 FISCAL YEARS AND APPROPRIATION OF THE BUDGET FOR 2008-09 ONLY. (105-03)

Mayor Rice asked the City Manager whether or not the proposed Assistant to the City Manager/Economic Development Manager position had been omitted.

Ray Silver, City Manager responded by saying that staff is still recommending the proposed position.

Mayor Rice stated that she will not support the budget or the position with the person who is currently there without testing for the position.

The City Attorney stated that the title and position have been created and funded in the budget, but the testing and hiring process is not a part of the budget approval process.

Ray Silver, City Manager explained that there is no authorization to fill the position until the City Council approves the title in which staff will come back to Council with a recommended classification specification for approval with the appropriate salary range. After that process is complete, the position will be tested for hire.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM.

Darrell Nolta, Westminster resident spoke in opposition to a few items in the budget which included: increased sales tax; new police software, Cop Link Solutions Suite; the new Chamber of Commerce Building, because the trees on the property will be eliminated. Mr. Nolta expressed that he would like to see more police personnel be hired.

Mr. Silver, City Manager informed the Council that the budget does not include the two COPS Money grants that amount to \$220,000. He also stated that there have been departmental reductions made to balance the proposed budget.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Mayor Rice, and seconded by Council Member Ta to remove the Economic Development Manager title from the Assistant to the City Manager position and accept it as a standalone title and adopt:

- 1) Resolution No. 4157 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopting the budget for the 2008-10 fiscal years and appropriating funds for fiscal year 2008-09 only;"
- 2) Resolution No. 4156 entitled, "A Resolution of the Mayor and City Council of the City of Westminster establishing the Article XIII B Appropriation Limit for the 2008-09 fiscal year."

The Public Financing Authority Board adopted:

- 1) Resolution No. 31 entitled, "A Resolution of the Westminster Public Financing Authority adopting the City of Westminster Budget for the 2008-10 fiscal years and appropriating funds for fiscal year 2008-09 only."

The Redevelopment Agency Board adopted:

- 1) Resolution No. 191 entitled, "A Resolution of the Westminster Redevelopment Agency adopting the budget for the 2008-10 fiscal years, and appropriating funds for fiscal year 2008-09 only."

Ray Silver, City Manager explained that to date the operations and expenditures functions and responsibilities for the Westminster Redevelopment Agency reside with the Community Development Director, along with the position's City of Westminster's planning and land use entitlement processing authority. This creates a potential problem and confusion since the same department head is responsible for entering into the Agency's financial agreements, called Disposition and Development Agreements (DDA's) as well as recommending the

City's land use entitlements. Neither the applicant nor the public knows whether a proposed project is approved by the Agency for financial reasons or because of the conditions of approval through the City's land use decision making authority.

Mr. Silver also explained that to date the Finance Director has been responsible for tracking the Agency's revenues but is unaware of the spending of the tax increment and the operations of the Agency. The Community Development Director tracks appropriations, expenditures and operational issues but has not been responsible for how much revenue is available or accruing. He reminded the Council that the current Community Development Director, Don Anderson will be retiring in July, 2008.

Mr. Silver explained that unlike other cities, the Economic Development function was transferred to the City Manager's Office but the Agency was not, which limits the effectiveness of the overall Economic Development function.

Mr. Silver stated that he agrees that the reclassification process for this position and the process to fill it should be conducted consistent with what has been done historically in the City. If that means filling the reclassified position by conducting an open competitive examination, then he is agreeable to that.

Council Member Marsh's concern about this budget is not because of the personnel issue, but because the City's margin is getting smaller.

Mayor Pro Tem Quach supports the budget with the proposed new title of Assistant to the City Manager/Economic Development Manager, but does not support the funding of the position.

The motion carried by a 5-0 vote.

The City Attorney confirmed that the motion that was just voted on included the adoption of the budget including the bifurcating discussion on the position of Assistant to the City Manager/Economic Development Manager. He informed Council that they need to make a motion on how they would like to handle the position.

The City Manager informed Council that the position that is currently funded is Assistant to the City Manager with a salary range that has been adopted by the Council. He said that there are no additional funds recommended for the new title, which would be Assistant to the City Manager/Economic Development Manager. He informed Council the funds are available in the budget for the current classification at the current compensation level. Mr. Silver explained that once the recommendation of title change is approved, the Personnel Department will develop a proposed class specification that will be brought back to Council along with a proposed salary range to be approved.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Marsh to accept the new title/position of Assistant to the City Manager/Economic Development Manager, but not to approve a budget increase.

The motion carried by the following vote:

AYES: QUACH, FRY, MARSH, TA
NOES: RICE
ABSENT: NONE

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Mayor Pro Tem Quach expressed his appreciation towards Mr. Frank Cobo for his help during the evening of June 21, 2008 and opening the restrooms for the event that was being held at the Vietnam Memorial.

Council Member Fry thanked everyone that donated towards the band that played at the Mayor's Ball. He also announced the opening of the splash pad at Sigler Park.

Council Member Ta announced the hours of the splash pad at Sigler Park and informed everyone that it is free admittance.

Council Member Marsh spoke in regards to the Mayor's Ball and stated that he felt it was a great success and that the band was great and he would like to see them play again in the future.

Mayor Rice thanked the staff that helped on the Mayor's Ball and also thanked everyone who donated money. She also spoke in regards to the accomplishment of having the splash pad opening at Sigler Park.

5.2 AB 1234 Reports – None.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Status of the Moran and Weststate Streets Business Area Land Use Study and a Request to Appropriate Funds for Planning Consulting Services to initiate the Development of a Comprehensive Plan and associated Environmental Analysis. (502-20)

Darrell Nolta, Westminster resident expressed his concerns of the impact of increased traffic on Bishop Avenue traveling towards Brookhurst Street and the surrounding area.

Mayor Pro Tem stated that the City has resurfaced Bishop Avenue between Magnolia Street and Bushard Street in anticipation of increased traffic in the future.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to:

- 1) Receive and file the status report on the Moran and Weststate Streets Business Area Land Use Study and direct staff to initiate the development of a comprehensive plan which will first study the parking and traffic issues then based on the studies formulate standards and procedures to allow a mix of uses including retail, hotel, entertainment, office and possibly residential; and
- 2) Authorize an appropriation of \$80,000 from the Community Development Fund – 285 Undesignated Balance to Planning & Zoning Contractual to supplement the \$243,000 stipulated in the 2008/09 & 2009/10 Budget in order to facilitate the parking and traffic study; and
- 3) Approve a Consulting Services Agreement with The Planning Center in an amount not to exceed \$323,500 and authorize the City Manager to execute the amendment on behalf of the City.

The motion carried by a 5-0 vote.

6.2 Award of Professional Services Agreement for Street Sweeping Services. (502-18)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve an allocation of \$158,255 from the General fund to cover the cost increase of street sweeping services; and
- 2) Award a Professional Services Agreement to R.F. Dickson in the amount of \$348,825 to provide street sweeping services and authorize the City Manager to execute the agreement on behalf of the City.

The City Attorney informed Council that they only need to approve the second recommendation.

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Quach to:

- 2) Award a Professional Services Agreement to R.F. Dickson in the amount of \$348,825 to provide street sweeping services and authorize the City Manager to execute the agreement on behalf of the City.

The motion carried by a 5-0 vote.

6.3 Authorization to Increase Purchase Order No. 4450 with Truesdail Laboratories, Inc., for Water Sampling Contract (502-20)

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Fry to:

- 1) Approve an appropriation of \$10,000.00 from the Water Utility Restricted/Unrestricted fund balance to Utility Production and Supply - Contractual; and
- 2) Approve an increase of \$10,000.00 to Purchase Order No. 4450 to Truesdail Laboratories, Inc. for water sampling lab fees.

The motion carried by a 5-0 vote.

6.4 Amendment No. 1 to a Renewable Bid for Procurement of Cold Water Meters and Accessories (502-08)

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta, to approve Amendment No. 1 to a renewable bid for procurement of cold water meters and accessories with Hersey Meters in the amount of \$500,000 and authorize the City Manager to execute the amendment on behalf of the City. The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public) – None.**8. LEGISLATIVE ITEMS – None.****9. COMMISSION AND COMMITTEE ITEMS****9.1 Request to Install Parking Restrictions at 15355 Brookhurst Street – T.C. 76-154 (608-02)**

Mayor Pro Tem Quach recused himself from this item due to the fact that he lives within 500 feet of the proposed location.

Darrell Nolta, Westminster resident spoke in regards to speeding on and parking on Brookhurst Street. He is opposed to the City restricting the parking on the Eastside of Brookhurst Street. He also expressed his concerns of the semi trucks parking along Brookhurst Street.

Motion was made by Council Member Ta, and seconded by Council Member Fry, to approve the recommendation of the Traffic Commission and adopt Resolution No. 4158 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Providing for No Parking or Stopping at a Certain Location on the West Side of Brookhurst Street, South of Bishop Place."

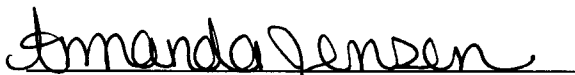
The motion carried by the following vote:

AYES: RICE, FRY, MARSH, TA

NOES: NONE

ABSTAIN: QUACH

10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:53 p.m., Mayor Rice adjourned the meeting to Wednesday, July 9, 2008 at 5:30 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, California to discuss and review Westminster Mall Revitalization Alternatives by the Urban Planning Graduate Studio at the University of California, Irvine.



Amanda Jensen, Assistant City Clerk/
Agency Secretary